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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
MEDFORD DIVISION

RYAN BUGAREN,

Plaintiff,

v.

KLAMATH FALLS MSL LLC, a foreign
limited liability corporation, MBK SENIOR
LIVING LLC, a foreign limited liability
corporation,

Defendants.

Case No.: 1:23-CV-00568

**DEFENDANTS' NOTICE OF
REMOVAL TO FEDERAL
JURISDICTION
(Diversity)**

**[Klamath County Circuit Court Case
No. 23CV11200]**

TO: CLERK OF THE COURT

AND TO: PLAINTIFF RYAN BUGAREN AND HIS COUNSEL.

PLEASE TAKE NOTICE that Klamath Falls MSL LLC and MBK Senior Living LLC
("Defendants") hereby remove this action from the Circuit Court for the State of Oregon for the

County of Klamath to this Court on the grounds of diversity jurisdiction and pursuant to 28 U.S.C. § 1332. In support thereof, Defendants respectfully state as follows:

1. On March 16, 2023, Plaintiff Ryan Bugaren (“Plaintiff”) filed a complaint in the Circuit Court of the State of Oregon entitled: “*Ryan Bugaren v. Klamath Falls MSL, LLC, a foreign limited liability corporation, MBK Senior Living LLC, a foreign limited liability corporation,*” Klamath County Circuit Court, Case No. 23CV11200 (“Complaint”). A copy of the Complaint and Summons in that action are attached to this Notice of Removal (“Notice”) as **Exhibit 1** and constitutes all process, pleadings, and orders that have been served on Defendants, or of which Defendants have received, in that action up to the present date.

2. 28 U.S.C. § 1446(b) requires that a notice of removal must be filed no more than 30 days after the receipt by the defendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based. Defendants were served on March 16, 2023. Accordingly, Defendants’ removal under 28 U.S.C. § 1446(b) is timely. *Murphy Bros. v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344, 354-56 (1999).

3. This Court has diversity jurisdiction over this action under 28 U.S.C. § 1332, and the matter is removable under 28 U.S.C. § 1441 because the parties are completely diverse and the amount in controversy exceeds \$75,000. Plaintiff has alleged in the Complaint that he resides in Oregon. Based on information and belief, Plaintiff is a citizen of Oregon. Complaint at ¶ 1. Defendants are foreign limited liability corporations. A limited liability corporation is a citizen of every state in which its members are citizens. *Carden v. Arkoma Associates*, 494 U.S. 185, 195 (1990). Klamath Falls MSL LLC’s sole member is a citizen of California and Delaware. MBK Senior Living LLC’s sole member is a citizen of California and Delaware. As a result, Defendants are citizens of Delaware and California. *See* 28 U.S.C. §1332(c).

4. Because this action is between citizens of different states, the complete diversity requirement under 28 U.S.C. § 1332 is satisfied.

5. The amount in controversy exceeds \$75,000. In the Complaint, Plaintiff seeks \$425,027.26 for damages. As \$450,027.26 is greater than \$75,000, the amount in controversy requirement for diversity jurisdiction under 28 U.S.C. § 1332 is satisfied.

6. The United States District Court for the District of Oregon Medford Division is the federal district within which the above-described Klamath County Circuit Court action was commenced.

7. A copy of this Notice of Removal will be served on Plaintiff as affirmed in the attached declaration of service.

8. Defendants acknowledge that 28 U.S.C. § 1446(d) also requires that a copy of the federal court Notice of Removal be filed with the Klamath County Circuit Court and will accordingly file it with the Klamath County Circuit Court.

9. This notice is signed pursuant to Federal Rule of Civil Procedure 11.

WHEREFORE, Defendants pray for removal of the action pending in the Circuit Court of the State of Oregon for Klamath County, bearing case No. 23CV11200, to this Court, pursuant to 28 U.S.C. § 1332.

DATED this 17th day of April, 2023.

JACKSON LEWIS P.C.

By: s/ Anthony Copple
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DECLARATION OF SERVICE

I hereby certify that I served the foregoing **DEFENDANTS' NOTICE OF REMOVAL TO FEDERAL JURISDICTION** via:

- ☐ Electronic Mail
- ☐ US Postal Service
- ☒ CM/ECF
- ☐ Facsimile Service
- ☐ Hand Delivery
- ☐ UPS

Service was accomplished at the party's email address as recorded on the date of service in the eFiling system.

Andrew R. Wilson, OSB #125006
Black, Chapman, Petersen & Stevens
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Medford, OR 97501
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Attorney for Plaintiff

DATED this 17th day of April, 2023.

By: s/ Delores Petrich
Delores Petrich

4860-3995-6318, v. 1